

## 1. THE SENTENCING COMMISSION

**Q.** What year was the commission established? Has the commission essentially retained its original form or has it changed substantially or been abolished?

The Connecticut Sentencing Commission was established by the state legislature in 2011. The Commission has retained its original form and function since that time; there have been no amendments to the text of its authorizing statute.<sup>1</sup>

**Q.** Membership: who appoints them, for what terms, with what required qualifications?

The Connecticut Sentencing Commission has a broad base of membership representing all aspects of the criminal justice system. The Commission has 23 members, 8 of whom serve ex officio by virtue of their position, and 15 of whom are appointed by various entities to serve for varying lengths of time.

There are 8 commission members of an unspecified type (e.g., there is no requirement that they be attorneys, judges, members of the public, etc.). Instead, the overriding attribute for these positions is that the appointment power is spread across the three branches of government and across political parties. These members serve four-year terms, and they are appointed – one each – by:

- The Governor;
- The Chief Justice of the Supreme Court;
- The president pro tempore of the Senate;
- The speaker of the House of Representatives;
- The majority leader of the Senate;
- The majority leader of the House of Representatives;
- The minority leader of the Senate; and
- The minority leader of the House of Representatives.

In addition, an active or retired judge is appointed by the Chief Justice to serve a four-year term as the chairperson of the Commission.

The following members serve three-year terms:

- One judge appointed by the Chief Justice;
- One state's attorney appointed by the Chief State's Attorney;
- One member of the criminal defense bar appointed by the President of the Connecticut Criminal Defense Lawyers;

The following members serve two-year terms:

- One member of the Court Support Services Division is appointed by the Chief Justice of the Supreme Court;
- One municipal police chief appointed by the President of the Connecticut Police Chiefs Association.

The following member serves a one-year term:

- One judge appointed by the Chief Justice of the Supreme Court.

Ex-officio members of the Commission, whose service is coterminous with their term of office, include:

- The Commissioner of Correction;
- The Chief State's Attorney;
- The Chief Public Defender;
- The Victim Advocate;
- The Chairperson of the Board of Pardons and Paroles;
- The Commissioner of Emergency Services and Public Protection;
- The undersecretary of the Criminal Justice Policy and Planning Division within the Office of Policy and Management; and
- The Commissioner of Mental Health and Addiction Services.<sup>2</sup>

**Q.** Is the commission an independent agency, or is it located in or hosted by some other state agency?

The Commission is an independent agency that is located within the Office of Policy and Management for administrative purposes only.<sup>3</sup>

**Q.** How many staff does the commission have? Are they dedicated to the commission, or shared with another agency?

The Commission employs two staff members: an executive director and a research and policy associate.<sup>4</sup>

**Q.** What is the commission's current statutory mandate?

The Commission's current statutory mandate is to review the existing criminal sentencing structure and any proposed changes and make recommendations to the Governor, the General Assembly, and appropriate criminal justice agencies.<sup>5</sup> The Commission must consider several principles while fulfilling its mission. It must recognize that the main purpose of sentencing is to enhance public safety and offender accountability. It must also ensure that sentences reflect the seriousness of the offense and are proportional to an offense's impact; that sentencing reduces crime and provides rehabilitation and reintegration; and that sentences are fair, just, and equitable while promoting respect for the law.<sup>6</sup>

**Q.** Do statutes and/or guidelines identify management of prison and jail resources as a goal?

The Commission is required to perform fiscal analyses on selected proposed criminal justice legislation.<sup>7</sup> Otherwise, the Commission does not deal directly with projecting prison or jail populations and has no authority to manage prison or jail resources and populations.<sup>8</sup>

**Q.** Are sentencing practices studied by means of annual or other regular data sets? If so, are those data sets made available to outside researchers?

The Commission does not receive regular data sets to study sentencing practices. However, it appears that the Commission has developed a strategic action plan to build the state-wide sentencing database that is part of its mandate. This plan includes working with educational institutions, obtaining a dedicated, full-time research staff, identifying necessary data sets, and building data capacity.<sup>9</sup> The data the commission uses is not currently available to outside researchers.

## 4. PRISON RELEASE DISCRETION

**Q.** Does the jurisdiction utilize parole release discretion or has it been abolished for all or most offenders?

Connecticut shifted from indeterminate to "definite" sentencing in 1981.<sup>10</sup> This means that crimes have statutory minimum and maximum penalties, and that defendants are sentenced to a term of years rather than a range of years.<sup>11</sup> For a time after the 1981 reforms, there was no traditional parole in the state; however, discretionary parole release for those with sentences over two years was reestablished in 1993.<sup>12</sup>

**Q.** Does this jurisdiction have a "truth in sentencing" law, limiting the extent of early release?

Since 1995, Connecticut has had a "truth in sentencing" law that requires all violent offenders who are eligible for parole to serve 85% of their sentence.<sup>13</sup>

## ENDNOTES

<sup>1</sup> Conn. Gen. Stat. Ann. § 54-300 (2017); 2010 Conn. Pub. Acts 10-129 (Reg. Sess.).

<sup>2</sup> Conn. Gen. Stat. § 54-300(d) (2017).

<sup>3</sup> Conn. Gen. Stat. § 54-300(a) (2017).

<sup>4</sup> Conn. Sentencing Comm'n, *Commission Staff*, <http://www.ct.gov/ctsc/cwp/view.asp?a=4706&q=558290> (last visited Jun. 6, 2017).

<sup>5</sup> Conn. Gen. Stat. § 54-300(b) (2017).

<sup>6</sup> Conn. Gen. Stat. § 54-300(c) (2017).

<sup>7</sup> Conn. Gen. Stat. § 54-300(f)(8) (2017).

<sup>8</sup> Conn. Gen. Stat. § 54-300 (2017).

<sup>9</sup> See Conn. Sentencing Comm'n, *Annual Report 2015* at 25 – 27 (2016), <http://www.ct.gov/ctsc/lib/ctsc/2015AnnualReport.pdf>.

<sup>10</sup> 1980 Conn. Pub. Acts 80-442 § 10 (Reg. Sess.); Conn. Sentencing Task Force, *Recommendation for the Connecticut Sentencing Commission* at 7 (2009),

[http://www.ct.gov/ctsc/lib/ctsc/Final\\_Report\\_01-26-09.pdf](http://www.ct.gov/ctsc/lib/ctsc/Final_Report_01-26-09.pdf).

<sup>11</sup> Conn. Gen. Stat. § 53a-35a (2017).

<sup>12</sup> Conn. Gen. Stat. § 54-125a (2017).

<sup>13</sup> Conn. Gen. Stat. § 54-125a(b) (2017). Note that offenders convicted of murder, capital felony murder, felony murder, arson murder, possession of a firearm within 1500 feet of a school, and aggravated sexual assault in the first degree are ineligible for parole. Offenders convicted as accessories or as criminally liable for the aforementioned crimes are also ineligible for parole.